REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. Information Disclosure Statement.

The Examiner stated in the Office Action:

"Applicant is respectfully reminded of the ongoing Duty to disclose 37 C.F.R. 1.56 all pertinent information and material pertaining to the patentability of applicant's claimed invention, by submitting in a timely manner PTO-1449, Information Disclosure Statement (IDS) with the filing of applicant's application or thereafter.

The information disclosure statement filed 4/23/02 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because of missing or inaccurate information in the listing:

- Confirmation of the publishing date is missing from the Gonnet (et al) reference. The information disclosure statement filed 3/29/02 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because of missing or inaccurate information in the listing:

- Confirmation of the publishing date is missing from the Waldvogel et al, BremlerBarr et al, Brodnik/Degermark et al, Chandranmenon et al, Guo et al, Gupta et al, Sola et al and "Fast and Scalable Four Layer Switching" references.

- Confirmation of the website date is missing or inaccurate for the Briscoe et al reference.

- The Estrin et al, Merit Network, Micron Technology, Sola et al and "ARIS: Aggregate Route-Based IP Switching" references are files on a hard drive vs. public documents.

- The "ARIS: Aggregate Route-Based IP Switching" reference's date of publication doesn't match the document.

It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any resubmission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the

requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1)."

In response, the Applicant respectfully reminds the Examiner that the duty of disclosure under Rule 56 is met when the Applicant provides information that is required to be submitted under that Rule. The provisions of Rule 98, Rule 98 and MPEP § 609 provide for submittal of certain information, to the extent known to the Applicant, to assist the Examiner's review the references submitted.

In the instant case, the Applicant has met its duty of disclosure by providing the subject references and information known to the Applicant at the time the references were submitted. Accordingly, the Examiner is then under a duty to consider the items submitted.

With regard to the references for which an exact publication date is unavailable, the Examiner must still consider those references because the references were dated as follows:

> Gonnet et al. - 1991
>
> Waldvogel et al. - October 1997
>
> Bremler-Barr et al. - 1999
>
> Brodnik et al. - 1997
>
> Chandranmenon et al. - April 1996
>
> Guo et al. - April 1998
>
> Gupta et al. - April 1998
>
> Sola et al. - 1998

Each of those references has a publication date more than one year prior to the Applicant's effective priority date and, therefore, can be applied as a reference. In the event that the reference is then relied upon by the Examiner in support of a rejection, the burden shifts to the Applicant to demonstrate that the reference date is such that the reference is removed as prior art. This is consistent with USPTO practice.

With regard to the Briscoe et al. reference, the Applicant has provided a data of November 1997 which was the date on the downloaded document. Again, the reference has a publication date more than one year prior to the Applicant's effective priority date and, therefore, can be applied as a reference.

With regard to the Estrin et al., Merit Networks, Inc., Sola et al., and Viswantathan et al. (ARIS: Aggregate Route-Based IP Switching) references, the Examiner refused to consider those references for the reason that the Examiner considered those references to be files on a hard drive vs. public documents. The Applicant respectfully notes that the Examiner has misinterpreted the meaning of "publication". A document that is publicly available on a computer system (e.g., over the Internet) is a publication regardless of the fact that it is stored on a hard drive.

With regard to the Examiner's indication that the Viswantathan (ARIS: Aggregate Route-Based IP Switching) reference's date of publication doesn't match the 1449, the Examiner should use the date on the document itself and make a notation of the correct date on the 1449.

Lastly, the Examiner states that none of the foregoing references has been considered but only placed in the file. However, the Applicant respectfully notes that the Examiner has nonetheless initiated each such reference in the 1449 indicating the reference has been considered. Therefore, the Applicant requests confirmation of whether the references have in fact been considered and, if not, requests consideration for the reasons stated above.

2.   Drawings.

The Examiner objected to the drawings as follows:

"The drawings are objected to because:

- Fig. 5 item number labels should terminate at the text described on page 15, lines 13-14.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance."

In response, the applicant has reviewed FIG. 5 and respectfully submits that one of ordinary skill would readily understand that the reference numbers point to the columns referred to in the specification. However, the Applicant is also submitting, for purposes of additional clarification but not for the purpose of curing any defect in the drawings, a replacement sheet containing FIG. 4 and FIG. 5 wherein FIG. 5 has been amended by moving the reference numbers from the bottom of the columns to the top of the columns.

3.   Objection to Claims 11 and 25.

The Examiner objected to Claims 11 and 25 for the stated reason that the term "corresponding" therein is confusing. In response, the Applicant has deleted the term from each of those claims as superfluous and adding nothing to the claim.

4.   Rejection of Claim 1 under 35 U.S.C. §101.

The Examiner rejected Claim 1 as follows:

"Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As a method, claim 1 offers abstract ideas (e.g. "routing-table entries", "numbered clusters", "destination address") that are also not embodied in the technological arts. Abstract ideas and their manipulation constitute "descriptive material" that is not patentable, Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759 and Schrader, 22 F.3d at 292-93, 30 USPQ2d at 1457-58, respectively. If claim 1 was amended to recite a computer-implemented method it will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. For examples,

•   In re Lowry, 32 F.3d 1579,1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) offers claim to data structure stored on a computer readable medium that increases computer efficiency held statutory and

•   Warmerdam, 33 F.3d at 1360-61, 31 USPQ2d at 1759 offers product-by-process claim to computer having a specific data structure stored in memory also held statutory while

• Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 offers claim to a data structure per se held nonstatutory.

Because the ideas are not claimed to be practiced on a computer and/or stored on a computer readable medium, they are not limited to practical applications in the technological arts. Specifically, the claim is a method without any particular practical application, such as a program running on a computer and stored in a computer readable medium or memory. On that basis alone, the claim is clearly nonstatutory."

In response, the Applicant respectfully notes that a method does not have to be practiced on a computer or utilize computer readable media in order to be statutory. The Applicant also respectfully reminds the Examiner of the more recent case of *State Street Bank & Trust Co. v. Signature Financial Group*, 149 F.3d 1368, wherein the Court held that essentially any subject matter that produces a new, useful and tangible result is statutory. There is no requirement of recitation of hardware, software, or the like in order to render a method claim statutory subject matter. Furthermore, the fact that the preamble of Claim 1 recites that the invention is a method for "routing data packets in a network" is clearly indicative that the function of the method and renders the claim statutory even under the outdated cases cited by the Examiner. Based on the foregoing, the Applicant respectfully submits that Claim 1 recites statutory subject matter. Nevertheless, in the interest of advancing prosecution, the Applicant has added the term "router" to the body of the claim since the method is implemented using a router. Such amendment is not made for the purpose of narrowing the scope of the method recited in the claim but only for the purpose of providing a further recitation of the context of use of the method.

5.   Rejection of Claims 1-36 under 35 U.S.C. §102(e).

Claims 1-36 were rejected under 35 U.S.C. §102(e) as being anticipated by Donahue et al. (U.S. No. 6,101,180) which issued after the Applicant's priority date based on an earlier filed application. Of the claims rejected, Claims 1, 17, 31, 34 and 36 are independent.

The Applicant respectfully traverses the rejection for the reason that the cited reference does not teach what the Examiner purports the reference to teach as will be explained below. Since Claims 1, 17, 31, 34 and 36 are independent, the Applicant will address those claims since the dependent claims are *a fiori* allowable to the extent that a base claim is allowable.

    (a)   <u>Claim 1</u>

In support of the rejection of Claim 1, the Examiner stated:

"Regarding claim 1:

Donahue et al teaches,

- grouping routing-table entries into numbered clusters for lookup of a routing-table entry based on cluster number and destination address (column 7, lines 6-11, "At each interconnection ...to all routers"; column 10, lines 1-14, "The ISP or... a conflicting address"; column 22, lines 42-65, "The Channel Cluster... number of channels"; column 23, lines 1-7, "The overall table... number of clusters"; column 27, lines 48-61, "The packet filter... standard Ethernet protocols")"

The Applicant traverses the rejection for the reason that Donahue does not teach <u>"a method for routing data packets in a network, comprising grouping routing-table entries in a router into numbered clusters for lookup of a routing-table entry based on cluster number and destination address"</u> as recited in Claim 1. In fact, there is no mention of grouping routing-table entries in number clusters for lookup of a routing-table entry based on cluster number and destination address.

Donahue at 7:6-11 states:

"At each interconnection node is a device called a router, designated here as R1-R6. The function of the router is to receive an input packet of information, examine its source and destination address, and determine the optimal output port for the message. These receive, route determinations, and transmit functions are central to all routers."

Donahue at 10:1-14 states:

"The ISP or domain will setup a "routing table" within a routing station of the domain that indicates all of the administratively scoped addresses used within the ISP or domain. The routing station is programmed to re-route addresses with conflicts to the next available address block. For example, if the ISP has address 239.117.1.11 already assigned, the routing station routes this address to the next available block. The next available address block is found by adding 64 to the second byte of the IP address. For this service the next address would be 239.117.65.11. If this address is free, this is where the routing station re-routes the data associated with the conflicting address. Four alternate addresses may be assigned for rerouting a single channel having a conflicting address."

Donahue at 22:42-65 states:

"The Channel Cluster Table (CCT) is used to describe a "cluster" of channels. A cluster of services is defined as a set of multiple channels with the same content but using different data rates. This aspect of the present embodiment of the system is set forth above. The CCT is used to allow a client to receive a channel at a different data rate from the one requested. For example, if a client requests a service at 1 Mb but the LAN 240 is congested or the controller unit 440 is close to its maximum allowable bandwidth on the LAN, the controller unit 440 can inform the client software (usually a browser plug-in or the like) to switch to another channel in the cluster at a lower data rate, say 500 kb. To facilitate lookup times, each channel has its associated cluster ID in its record within the Channel Definition Table. This allows the controller unit 440 to easily locate a channel ID, determine its Cluster ID, and find alternate channels. Each Channel Cluster record preferably conforms to the following record format:

Cluster ID	(16-bits)
Number of Channels in Cluster	(8-bits)
Service ID's	(16-bits * the number of channels)

"

Donahue at 23:1-7 states:

"The overall table format for the CT is as follows:

Table ID	(8-bit)
Number of Clusters	(16-bit)
Cluster Records	(24 + (16 * the number of channels) * number of clusters)
CRC	(16 bit)

"

Donahue at 27:48-61 states:

"The packet filter 615 is preferably implemented using a field programmable gate array..The packet filter 615 determines whether the data packet stored in the FIFO 610 is intended for transmission on the LAN 220 or is to be discarded. This decision is made by the packet filter 615 based on whether someone directly connected to the LAN 220 or who is remotely connected to the LAN 220 has joined the multicast group to which the packet belongs. The packet filter 615 stores valid packets into a single packet FIFO 620 that is used to buffer the packet for provision to a network interface card, such as an ethernet controller 625. The ethernet controller 625 takes the packet from the FIFO 620 and transmits it onto the LAN 220 through an ethernet transceiver and transformer using standard ethernet protocols."

A close examination of the foregoing cited portions of Donahue, however, shows that the Examiner has misapplied the reference. While the reference is directed to routing data, the reference does not teach "A method for routing data packets in a network, comprising grouping routing-table entries in a router into numbered clusters for lookup of a routing-table entry based on cluster number and destination address" as recited in Claim 1. The reference to "cluster" in Donahue pertains to data channels where multiple channels carry the same content with different data rates. The Channel Cluster Table used by Donahue allows a client to receive a channel at a different data rate from the one requested. There is no teaching whatsoever of grouping routing-table entries in a router into number clusters for lookup based on cluster number and destination address.

The Applicant respectfully notes that a single cited art reference must teach each and every element of the claim to establish anticipation under 35 U.S.C. §102. M.P.E.P. §2131. The Court of Appeals for the Federal Circuit has held that, "the identical invention must be shown in as complete detail as is contained in the .... claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Donahue does not teach all of the elements of Claim 1, however. Therefore, Claim 1 as well as the claims that depend therefrom are patentable over Donahue et al.

(b)   Claim 17.

In support of the rejection of Claim 17, the Examiner stated:

"Regarding claim 17: Donahue et al further teaches,

- grouping routing-table entries into numbered clusters for lookup of a routing-table entry based on cluster number and destination address (column 7, lines 6-11, "At each interconnection... to all routers"; column 10, lines 1-14, "The ISP or... a conflicting address"; column 22, lines 42-65, "The Channel Cluster... number of channels"; column 23, lines 1-7, "The overall table... number of clusters"; column 27, lines 48-61, "The packet filter... standard Ethernet proto-cols")

- routing a data packet based on a routing-table entry selected from a group of routing table entries based on a cluster number and a destination address associated with said data packet (column 10, lines 15-31, "The address re-routing... as defined below")"

In response, the Applicant notes that the rejection of Claim 17 was based in part on the same grounds as set forth with regard to Claim 1. Therefore, Claim 17 is not anticipated by Donahue et al. for the same reasons set forth above with regard to Claim 1. In addition, the Examiner refers to Donahue at 10:15-31 as teaching the following element of Claim 17:

routing a data packet based on a routing-table entry selected from a group of routing-table entries based on a cluster number and a destination address associated with said data packet.

Yet, Donahue at 10:15-31 does not teach this element of Claim 17. At the cited

passage, Donahue et al. teaches:

> "The address re-routing scheme should be implemented on both the routing
> station end and in any client Plug-In software used to receive the data. On the
> routing station side, once the ISP enters all address conflicts, the routing station
> performs address translation on all of the addresses that conflicts occur. All
> packets have their addresses re-mapped to the new location. If a single address
> can not be re-routed (all four address blocks are used for a given channel) then
> the receiver performs major address block re-routing as would occur in address
> block conflict management described below. On the client software side, the
> client opens sockets for all four address blocks (either sequentially or
> simultaneously). The address that provides valid broadcast data is accepted as
> the correct channel. The three other sockets are closed. If none of the addresses
> provide valid data, the client tries the alternate address block as defined below."

There is no discussion whatsoever in the cited portion of Donahue et al. of <u>routing a</u>

<u>data packet based on a routing-table entry selected from a group of routing-table</u>

<u>entries based on a cluster number and a destination address associated with said data</u>

<u>packet.</u> In fact, the term "cluster" is not even used. Therefore, Claim 17 as well as the

claims that depend therefrom are patentable over Donahue et al. for the reasons set

forth above with regard to Claim 1, as well as the fact that Claim 17 recites additional

subject matter not found in Donahue et al.

(c)   <u>Claim 31</u>.

In support of the rejection of Claim 31, the Examiner stated:

"Regarding claim 31: Donahue et al further teaches,

- grouping routing-table entries into numbered clusters for lookup of a routing-
table entry based on cluster number and destination address (column 7, lines 6-
11, "At each interconnection... to all routers"; column 10, lines 1-14, "The ISP
or... a conflicting address"; column 22, lines 42-65, "The Channel Cluster...
number of channels"; column 23, lines 1-7, "The overall table... number of
clusters"; column 27, lines 48-61, "The packet filter... standard Ethernet proto-
cols")

- matching a cluster number associated with a data packet to a corresponding cluster number associated with said routing-table entries (column 28, lines 55-67, "the packet filter... be transmitted onto"; column 29, lines 1-5, "the LAN 220... be read again")

- routing said data packet based on a routing-table entry selected from a group of routing-table entries based on the cluster number and the destination address associated with said data packet (column 10, lines 15-31, "The address re-routing ... as defined below")"

The Applicant notes that the rejection of Claim 31 was based in part on the same grounds as set forth with regard to Claims 1 and 17. The Applicant has shown above that there are at least two elements of Claim 31 not taught by Donahue et al. and, therefore, Claim 31 is not anticipated by Donahue et al. for the same reasons set forth above with regard to Claims 1 and 17.

In addition, the Examiner refers to Donahue et al. at 28:55-67 and 29:1-5 as teaching the following element of Claim 31:

matching a cluster number associated with a data packet to a corresponding cluster number associated with said routing-table entries; and

Yet, Donahue et al. does not teach this element of Claim 31 at the cited passages. At the cited passages, Donahue et al. teaches:

"In the disclosed embodiment, the packet filter 615 is designed to store up to 64K (65,535) addresses that are used as filter addresses. The LSB (bottom 16 bits) of the 32-bit address field of a packet is compared to an addresses stored in SRAM 650. The addresses in SRAM 650 are stored based on commands received by the packet filter 615 from the microprocessor 580. These addresses correspond to multicast group addresses for which a subscriber on the system has issued a "join" command. If the address of a packet received at FIFO 610 matches a joined address stored in the SRAM 650, then the entire packet will be passed to the single packet FIFO 610 and the FPGA 645 will notify the ethernet controller 625 that the data is to be transmitted onto the LAN 220. The single

packet FIFO 610 is used as temporary storage until the entire TCP/IP packet is processed and transmitted to the ethernet controller 625. If a re-transmit is needed, then the single packets FIFO 610 is reset and the data can be read again."

As can be seen from a close reading of the cited passages of Donahue et al., there is no discussion whatsoever of matching a cluster number associated with a data packet to a corresponding cluster number associated with said routing-table entries as recited in Claim 31. Therefore, Claim 31 as well as the claims that depend therefrom are patentable over Donahue et al. for the reasons set forth above with regard to Claims 1 and 17, as well as the fact that Claim 31 recites additional subject matter not found in Donahue et al.

(d)   Claim 34.

In support of the rejection of Claim 34, the Examiner stated:

"Regarding claim 34: Donahue et al further teaches,

- grouping routing-table entries into clusters (column 10, lines 1-14, "The ISP or... a conflicting address")

- assigning a Cluster Number (Incoming) and a Cluster Number (Outgoing) to each routing table entry (column 7, lines 6-11, "At each interconnection ...to all routers"; column 8, lines 26-47, "IP Multicast uses ... different permanent addresses"; column 34, lines 50-67, lines "The transponder unit... be implemented, the connec-"; column 35, lines 1-26, "tors between the printed ... the transponder unit")

- assigning a Cluster Number (Incoming) to a data packet (column 17, lines 46-53, "the controller unit... individual transponder units"; column 27, lines 48-61, "The packet filter... standard Ethernet protocols")

- matching the Cluster Number (Incoming) associated with said data packet to a corresponding Cluster Number (Incoming) associated with said routing-table entries (column 28, lines 55-67, "the packet filter... be transmitted onto"; column 29, lines 1-5, "the LAN 220... be read again")

- searching routing-table entries associated with said Cluster Number (Incoming) of said data packet using a destination address associated with said data packet as an index (Fig. 18, item 615; Fig. 20, item 650; column 28, lines 44-50, "The field programmable... SRAM bus architecture"; column 22, lines 42-65, "The Channel Cluster... number of channels"; column 23, lines 1-7, "The overall table... number of clusters")

- routing said data packet based on a routing-table entry corresponding to the destination address associated with said data packet (column 10, lines 15-31, "The address re-routing ... as defined below")"

Here again, the Examiner has based the rejection on a misapplication of the teachings of Donahue et al. The rejection of Claim 34 is based on the same grounds as discussed above with regard do Claims 1, 17 and 31. Therefore, Claim 34 is patentable over Donahue et al. for the same reasons set forth above with regard to Claims 1, 17 and 31. Furthermore, Claim 34 recites additional elements not found in Donahue et al. A correct reading of the passages cited by the Examiner shows that Donahue et al. does not teach what the Examiner purports the reference to teaching. it is unnecessary at this point to repeat the passages of Donahue et al. so show that the elements of Claim 34 are not taught by the cited reference. The Applicant respectfully submits that Claim 34 recites at least 4 elements not taught by Donahue et al. Therefore, Claim 34 as well as the claims that depend therefrom are not anticipated by Donahue et al.

(e)   Claim 36.

In support of the rejection of Claim 36, the Examiner stated:

Regarding claim 36: Donahue et al further teaches,

- grouping routing-table entries into clusters (column 10, lines 1-14, "The ISP or... a conflicting address")

- assigning a Cluster Number (Incoming) and a Cluster Number (Outgoing) to each routing table entry (column 7, lines 6-11, "At each interconnection ...to all

routers"; column 8, lines 26-47, "IP Multicast uses... different permanent addresses"; column 34, lines 50-67, lines "The transponder unit... be implemented, the connec-"; column 35, lines 1-26, "tors between the printed ... the transponder unit")

- assigning a Cluster Number (Incoming) to a data packet (column 17, lines 46-53, "the controller unit... individual transponder units"; column 27, lines 48-61, "The packet filter... standard Ethernet proto-cols")

- matching the Cluster Number (Incoming) associated with said data packet to a corresponding Cluster Number (Incoming) associated with said routing-table entries (column 28, lines 55-67, "the packet filter... be transmitted onto"; column 29, lines 1-5, "the LAN 220... be read again")

- searching routing-table entries associated with said Cluster Number (Incoming) of said data packet using a destination address associated with said data packet as an index (Fig. 18, item 615; Fig. 20, item 650; column 28, lines 44-50, "The field programmable... SRAM bus architecture"; column 22, lines 42-65, "The Channel Cluster... number of channels"; column 23, lines 1-7, "The overall table... number of clusters")

- routing said data packet based on a routing-table entry corresponding to the destination address associated with said data packet (column 10, lines 15-31, "The address re-routing... as defined below")

- replacing said Cluster Number (Incoming) of said data packet with the Cluster Number (Outgoing) associated with said selected routing-table entry when said data packet is routed (column 10, lines 33-53, "an agent might ... will be tried")"

Here again, the Examiner has based the rejection on a misapplication of the teachings of Donahue et al. The rejection of Claim 36 is based on the same grounds as discussed above with regard do Claims 1, 17 and 31. Therefore, Claim 34 is patentable over Donahue et al. for the same reasons set forth above with regard to Claims 1, 17 and 31. Furthermore, Claim 36 recites additional elements not found in Donahue et al. A correct reading of the passages cited by the Examiner shows that Donahue et al. does not teach what the Examiner purports the reference to teaching. it is unnecessary at this point to repeat the passages of Donahue et al. so show that the elements of Claim 36 are not taught by the cited reference. The Applicant respectfully

submits that Claim 36 recites at least 4 elements not taught by Donahue et al. Therefore, Claim 36 as well as the claims that depend therefrom are not anticipated by Donahue et al.

(f)   Summary.

For the reasons set forth above, the Applicant respectfully submits that Claims 1, 17, 31, 34 and 36 each recite one or more elements not found in Donahue et al. Accordingly, those claims as well as the claims that depend therefrom are not anticipated by the cited reference. In addition, the pending dependent claims, although not specifically discussed by the Applicant herein, further recite elements for which there is not teaching in Donahue et al.

Furthermore, the Applicant's respectfully submit that Donahue et al. does not provide any suggestion, motivation or incentive for the subject matter of Claims 1-36. The Applicants point out that the Examiner bears the initial burden of factually establishing and supporting a *prima facie* conclusion of obviousness. *In re Reinheart*, 189 U.S.P.Q. 143 (CCPA 1976); M.P.E.P § 2142. If the examiner does not produce a *prima facie* case, Applicants are under no obligation to submit evidence of nonobviousness. *Id.* See also In re Zurko, 59 U.S.P.Q.2d 1693 (Fed. Cir. 2001)([I]n a determination of patentability…. The Board cannot simply reach conclusions based on its understanding or experience - or on its assessment of what would be basic knowledge or common sense.   Rather the Board must point to some concrete evidence in the record in support of these findings).

The Examiner has not pointed to <u>any</u> evidence in Donahue et al., or how knowledge of those skilled in the art, provide a suggestion or motivation to modify the teachings of Donahue et al. to produce the inventions recited in Claims 1-36. The

Applicants request, if the present rejection is maintained, or if the Examiner decides to impose a new rejection under 35 U.S.C. §103, that the Examiner show or explain <u>why</u> the cited art, or knowledge of those skilled in the art, teaches or suggests the limitation in Claims 1-36. Absent any such evidence, anticipation and prima facie

obviousness of Claims 1-36 has not been established.

6.   References Cited But Not Relied Upon.

The Applicant respectfully notes what appears to be an error in the Conclusion portion of the Office Action. More specifically, the Examiner identifies Donahue et al. (U.S. No. 6,101,180) as a reference not relied upon. However, as the discussion above clearly shows, Donahue et al. was the primary reference relied upon by the Examiner. Therefore, inclusion of that reference in the list of references of record but not relied upon appears to be erroneous.
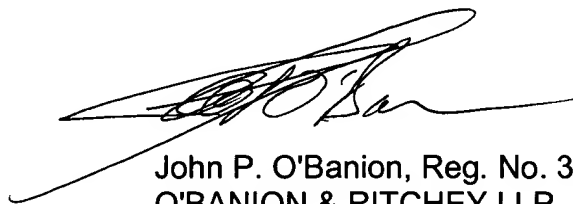
7.   Conclusion.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

The Applicant also respectfully requests a telephone interview with the Examiner in the event that there are questions regarding this response, or if the next action on the merits is not an allowance of all pending claims.

Date: 6/23/04

Respectfully submitted,

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Attachment